

Serial No.: 10/015,242
Attorney Docket No.: AUS9-2001-0371-USI

REMARKS

In response to the Office Action dated July 15, 2004, claims 1-3, 6-9, 14-16 and 19-20 have been amended. Claims 1-20 are in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

The Office Action objected to the specification as including a reference to figure 5E, which the Examiner alleged was not found in the drawings.

In response, the Applicants have amended the specification on page 7 to delete any occurrence of figure number 5E to overcome the objections.

The Office Action rejected claims 1-8 and 14-20 under 35 U.S.C. § 112, first paragraph.

In response, the Applicants have amended claims 1-3, 6-8, 14, 16, 19 and 20 as suggested by the Examiner to overcome these rejections.

The Office Action rejected claims 1-7, 9-15 and 18-19 under 35 U.S.C. 102(b) as allegedly being anticipated by Risberg et al. (U.S. Patent No. 5,339,392).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

The independent claims have been amended to include at least one threshold trigger point representative of a critical value, delivering a graphical alert when a reference value of interest exceeds the critical value and at least one rearm trigger set point that disables the graphical alert when the threshold trigger point is tripped and does not reset and rearm the trigger point until the reference value falls below the rearm trigger set point to avoid unwanted alerts within a value limit.

In contrast, the Risberg et al. reference does not disclose all of the Applicants' claimed features. For example, the Risberg et al. reference simply discloses a user definable video displayed document showing changes in real time data. Although the Risberg et al. reference discloses an "alert update" script and an "end alert" script, these scripts are not the same as the Applicants' claimed graphical rearm trigger set point. In fact, the Risberg et al. reference teaches away from the Applicants' claims

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because the Risberg et al. reference explicitly states that "an alert run will continue to run the "alert update" script. Then when an update comes in which is back in the normal range, the "end alert" script will be run." (see col. 10, lines 23-26, as argued by the Examiner).

Unlike the Risberg et al. reference, in the Applicants' invention, after the threshold trigger point is tripped, the graphical alert is disabled and not reset and rearmed until the reference value falls below the rearm trigger set point. In addition, not only do the scripts in Risberg et al. "continue to run" alerts, they do not graphically allow the user to avoid unwanted alerts within a value limit, like the Applicants' claimed invention. Accordingly, the Risberg et al. reference **cannot** anticipate the claims. As such, the Applicants' respectfully submit that this rejection under 35 U.S.C. 102(b) should be withdrawn.

The Office Action rejected claims 8, 16-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Risberg et al.

The Applicants respectfully traverse this rejection because, as argued above, at least **one** of the Applicants' claimed elements are missing from or not taught in the cited references, the Applicant's invention has advantages not appreciated by the cited references and the Risberg et al. reference teaches away from the Applicants' claims. Hence, the Risberg et al. reference **cannot** render the Applicants' invention obvious. This teaching away and **failure** of the cited reference to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (*MPEP 2143*).

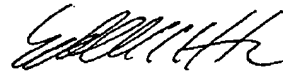
With regard to the dependent claims, since they depend from the above-argued respective independent claims, they are therefore patentable on the same basis. (*MPEP* § 2143.03).

In view of the arguments and amendments set forth above, the Applicant respectfully submits that the claims of the subject application are in immediate condition for allowance. Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass

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this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly request the Examiner to telephone the Applicants' attorney at (818) 885-1575.

Respectfully submitted,
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